

**DECISION
GRAFTON PLANNING BOARD**

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**MODIFICATION #1 OF SPECIAL PERMIT (SP 2014-6) & SITE PLAN APPROVAL
EXTENSION OF PERIOD TO CONSTRUCT**

Solar Electric Generating Facility (solar farm) – Phase II

43 Estabrook Avenue, Grafton

BlueWave Capital, LLC (Applicant)

Knowlton Farms Nominee Trust, Patricia K. Knowlton, Trustee (Owner)

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of the BlueWave Capital, LLC, 75 Arlington Street, Boston, MA 02116 (hereinafter the APPLICANT), for a Special Permit and Site Plan Approval under Section 3.2.3.1 to construct a solar electric generating facility (solar farm) on property located at 43 Estabrook Avenue, Grafton MA and shown on Grafton Assessor's Map 49, Lot 1 and owned by the Knowlton Farms Nominee Trust, Patricia Knowlton, Trustee 43 Estabrook Avenue, Grafton, MA 01519 (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds in Book 35401, Page 337.

I. BACKGROUND

The above referenced Application for a Special Permit (hereinafter APPLICATION) was submitted on May 27, 2015. Notice of the public hearing and the subject matter thereof was published in the Grafton News on June 25 and July 2, 2015 and posted with Town Clerk's Office. The Planning Board considered the Application at a properly posted meeting of said Board on July 13, 2015. Following public input the hearing was closed on July 13, 2015.

The following Board members were present during the entire public hearing process: Chairman Sargon Hanna, Vice Chairman Michael Scully, Clerk Robert Hassinger and Members Linda Hassinger, and David Robbins. The record of the proceedings and submissions upon which this decision is based may be referred to in the Office of the Town Clerk or the Office of the Planning Board. At the time of DECISION, the following Board members were present: Chairman Sargon Hanna, Clerk Robert Hassinger and Members Linda Hassinger, and David Robbins.

II. SUBMITTALS

The following Exhibits were submitted to the Board for its consideration of this application:

EXHIBIT 1. Unbound Application materials prepared and submitted by the Applicant, received May 27, 2015, including the following:

- Application for Modification of a Special Permit, 1 page.
- Certificate of Good Standing signed by the Treasurer / Collector's Office on May 21, 2015; 1 page.
- Certified Abutters List signed by the Assessor's Office, May 27, 2015, 1 page.
- Correspondence, Project Description; Request for Determination of Minor Modification; 1 page.

- EXHIBIT 2.** Departmental Project Review comments, Department of Public Works – Highway Division, received June 18, 2015; 1 page.
- EXHIBIT 3.** Departmental Project Review comments, Police Department, received June 18, 2015; 2 pages.
- EXHIBIT 4.** Departmental Project Review comments, Treasurer/ Collector's Office, received June 18, 2015; 1 page/
- EXHIBIT 5.** Departmental Project Review comments, Zoning Board of Appeals, received June 18, 2015; 1 page.
- EXHIBIT 6.** Departmental Project Review comments, Board of Health, received July 1, 2015; 1 page
- EXHIBIT 7.** Public Hearing Sign-In Sheet for the July 13, 2015 public hearing, 1 page.

III. FINDINGS

At their meeting of July 27, 2015, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mr. Robbins) voted 4-0 to make the following findings:

- F1.** That determinations regarding the following FINDINGS are based upon the documents and plans identified in this Decision, as well as the information and EXHIBITS submitted and presented in association with this application.
- F2.** That during the public hearing Anne Reitmayer of BlueWave Capital LLC (Applicant) present a project update. It was noted this project is considered the second of two phases for the development of solar facilities at the same address and that the contractor for both phases is the same. Work associated with Phase I authorized under a separate special permit has some ongoing work items still under construction with ongoing review by the Town such as erosion control and landscaping.
- F3.** That during the public hearing the Board and the Applicant discussed the interconnection with the power grid. It was noted that the Phase I facility was connecting to the grid at the intersection of Estabrook Avenue and Westboro Road where Phase II was connecting at the intersection of Estabrook Avenue and Adams Road. The Applicant noted that they have been working with National Grid to finalize plans for the Phase II interconnection but that it was taking more time than originally anticipated. National Grid has finished a recent upgrade to the infrastructure along Adams Road. The Applicant is now working with them to finalize the connection infrastructure along Estabrook Road and the tie in at Adams Road.
- F4.** That during the public hearing the Board and the Applicant discussed the nature of the Application with regards to their investors. The Applicant noted that this project is being funded by a number of investors who want to ensure that there would be no future delays in construction with regards to local permitting. The Applicant noted that a proactive and early approach to requesting a time extension was important to them and their investors.

- F5.** That during the public hearing the Board and the Applicant discussed the anticipated construction period for Phase II. The Applicant noted that, based on timing estimates for interconnection to the National Grid system, that work will begin in the Spring of 2016 (see EXHIBIT #1).

IV. DECISION and CONDITIONS

At their meeting of July 27, 2015, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mr. Robbins) voted 4-0 to **APPROVE** the application for Modification a Special Permit & Site Plan Approval with the following conditions:

- C1.** This approval specifically modifies Condition # 13 of the Conditions of Approval contained within the Special Permit (SP 2014-6) & Site Plan Approval Decision, dated October 7, 2014, and recorded in the Worcester District Registry of Deeds (WDRD) in Book 53548, Page 122, only with respect to the period to construct deadline (as specified in said Decision). This approval specifically allows a one-year extension of the time period in which to complete the Subdivision (as specified in the above referenced Decision and Conditions of Approval), extending the deadline for completion to **October 27, 2016**.
- C2.** Unless modified by this Decision, all conditions of the previous Special Permit (SP 2014-6) & Site Plan Approval DECISION for construction of Phase II of a Solar Facility at 43 Estabrook Avenue recorded in the WDRD and referenced herein, remain in full force and effect.
- C3.** In accordance with Section 1.5.8 of the ZBL, this Special Permit and Site Plan Approval shall lapse within one (1) year from the date of the expiration of the appeal period if substantial use, or construction, has not been commenced except in accordance with the law. Any request for an extension of said period of validity shall be considered a Modification of this Special Permit and Site Plan Approval, and such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the ZBL.
- C4.** This Special Permit and Site Plan Approval shall not take effect until the Decision has been recorded at the Worcester District Registry of Deeds (WDRD) and provided the Planning Board and the Building Department with a copy of such recording, including the WDRD Book and Page Number and/or Instrument Number.
- C5.** By recording this Special Permit and Site Plan Approval Decision in the Worcester District Registry of Deeds, the Applicant agrees to and accepts the conditions set forth in this Special Permit and Site Plan Approval Decision.

V. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted to **APPROVE** / **DENY** the Applicant's application for the Modification of Special Permit (SP 2014-6) and Site Plan Approval to extend the period to construct Phase II of the electric generating solar facility at 43 Estabrook Road based on the information in the hearing record and the aforementioned findings, and subject to the aforementioned conditions.

<u>Sargon Hanna, Chairman</u>	<u>AYE</u>	<u>Linda Hassinger, Member</u>	<u>AYE</u>
<u>Michael Scully, Vice Chairman</u>	<u>ABSENT</u>	<u>David Robbins, Member</u>	<u>AYE</u>
<u>Robert Hassinger, Clerk</u>	<u>AYE</u>		

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD



Joseph Laydon, Town Planner

7-30-15

Date

cc: Applicant / Owner
Building Inspector
Conservation Commission
Graves Engineering